

AMENDED IN SENATE MAY 27, 2014

**SENATE BILL**

**No. 1086**

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**Introduced by Senator De León**

February 19, 2014

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An act to add Chapter 14 (commencing with Section 5880) to Division 5 of the Public Resources Code, relating to financing a safe neighborhood parks, rivers, and coastal protection program, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1086, as amended, De León. The Safe Neighborhood Parks, Rivers, and Coastal Protection Bond Act of 2014.

Under existing law, various measures have been approved by the voters to provide funds for park, river, and coastal protections and programs.

This bill would enact the Safe Neighborhood Parks, Rivers, and Coastal Protection Bond Act of 2014, which, if adopted by the voters, would authorize the issuance of bonds in an unspecified amount pursuant to the State General Obligation Bond Law to finance a safe neighborhood parks, rivers, and coastal protection program. *The bill would provide for the submission of the bond act to the voters at the November 4, 2014, statewide general election.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares as follows:

(a) California's residents value state, local, and regional parks and the natural lands of the state as they provide the following:

(1) Access to the serenity and inspiration of nature, outdoor spaces, and places for play and exercise.

(2) Facilities for directed and self-directed recreation.

(3) Activities that facilitate social connections, human development, the arts, and lifelong learning.

(4) Positive alternatives for youth that help lower crime and delinquency.

(b) California's parks and natural resources infrastructure have social, health, environmental, recreational, and intrinsic value to the citizens of the state and, importantly, outdoor recreation can be a critical economic driver to the state.

(c) Continued investment in the state's parks, natural resources, and in greening urban areas will mitigate the effects of global warming, thus reducing California's carbon footprint.

(d) Demand for local parks has exceeded available funding by a factor of eight to one.

(e) Investments to protect and restore the state's rivers, lakes, streams, and coastal waters and their related watersheds will improve water quality and reliability, enhance fishery and wildlife habitats, and provide recreational, economic, and public health benefits to Californians.

SEC. 2. Chapter 14 (commencing with Section 5880) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 14. THE SAFE NEIGHBORHOOD PARKS, RIVERS, AND  
COASTAL PROTECTION BOND ACT OF 2014

Article 1. Title

5880. This chapter shall be known, and may be cited, as the Safe Neighborhood Parks, Rivers, and Coastal Protection Bond Act of 2014.

Article 2. Definitions

5880.5. As used in this chapter, the following terms have the following meanings:

(a) “Acquisition” means the acquisition of a fee interest or any other interest in real property including easements, leases, and development rights.

(b) “Board” means the Wildlife Conservation Board.

(c) “Department” means the Department of Parks and Recreation.

(d) “Development” includes, but is not limited to, the physical improvement of real property including the construction of facilities or structures.

(e) “Disadvantaged community” means a community with a median household income less than 80 percent of the statewide average.

(f) “Greenprint” means a plan for providing parks, greenspace, and urban forestry within an urbanized area and for the protection of agricultural and open-space lands around a developed area consistent with a sustainable communities strategy or other land use plan.

(g) “Interpretation” includes, but is not limited to, a visitor serving amenity that educates and communicates the significance and value of natural, historical, and cultural resources in a way that increases the understanding and enjoyment of these resources and that may utilize the expertise of a naturalist or other specialist skilled at educational interpretation.

(h) “Local conservation corps” means a program operated by a public agency or nonprofit organization that meets the requirements of Section 14406.

(i) “Nonprofit organization” means any organization qualified to do business in California, and qualified under Section 501(c)(3) of the Internal Revenue Code.

(j) “Preservation” means rehabilitation, stabilization, restoration, development, and reconstruction, or any combination of those activities.

(k) “Protection” means those actions necessary to prevent harm or damage to persons, property, or natural resources or to allow the continued use and enjoyment of property or natural resources,

1 and includes acquisition, development, restoration, preservation,  
2 and interpretation.

3 (l) “Restoration” means the improvement of physical structures  
4 or facilities and, in the case of natural systems and landscape  
5 features includes, but is not limited to, projects for the control of  
6 erosion, the control and elimination of exotic species, prescribed  
7 burning, fuel hazard reduction, fencing out threats to existing or  
8 restored natural resources, road elimination, and other plant and  
9 wildlife habitat improvement to increase the natural system value  
10 of the property.

### 11 Article 3. General Provisions

12  
13  
14 5881. The proceeds of bonds issued and sold pursuant to this  
15 chapter shall be deposited in the Safe Neighborhood Parks, Rivers,  
16 and Coastal Protection Fund of 2014, which is hereby created in  
17 the State Treasury. Except as specifically provided in this chapter,  
18 moneys in the fund shall be available for appropriation by the  
19 Legislature in the manner and for the purposes set forth in this  
20 chapter.

21 5881.5. (a) Projects funded with proceeds of bonds issued and  
22 sold pursuant to this chapter shall promote state planning priorities  
23 consistent with Section 65041.1 of the Government Code and  
24 sustainable communities strategies consistent with subparagraph  
25 (B) of paragraph (2) of subdivision (b) of Section 65080 of the  
26 Government Code.

27 (b) To the extent feasible in implementing this chapter, state  
28 agencies shall seek to achieve wildlife conservation objectives  
29 through projects on public lands or voluntary projects on private  
30 lands. Funds may be used, in consultation with the Department of  
31 Fish and Wildlife, for payments for the creation of measurable  
32 habitat improvements or other improvements to the condition of  
33 endangered or threatened species including through the  
34 development and implementation of habitat credit exchanges.

35 (c) In evaluating projects for protection of natural resources and  
36 wildlife, priority shall be given to projects that implement adopted  
37 Natural Community Conservation Plans or endangered species  
38 recovery plans.

39 (d) The Natural Resources Agency shall develop and adopt a  
40 statewide resource protection plan to identify priorities for

1 expending funds provided in this act that reflects statewide and  
2 regional resource ~~protection~~, *protection and* public access and  
3 availability to underserved populations. Conservation plans  
4 developed and adopted by departments and conservancies shall  
5 be consistent with statewide priorities adopted by the Natural  
6 Resources Agency.

7 (e) Restoration projects shall include the planning, monitoring,  
8 and reporting necessary to ensure successful implementation of  
9 the project objectives.

10  
11 Article 4. Parks  
12

13 5882. The sum of \_\_\_\_ dollars (\$\_\_\_\_) from the fund shall be  
14 available to the department for the creation and expansion of safe  
15 neighborhood parks and for the preservation, protection, and  
16 restoration of regional and state parks in accordance with the  
17 following schedule:

18 (a) \_\_\_\_ dollars (\$\_\_\_\_) shall be available for grants in  
19 accordance with Chapter 3.3 (commencing with Section 5640).

20 (b) \_\_\_\_ dollars (\$\_\_\_\_) shall be available for grants for local  
21 park rehabilitation and improvement to local governments on a  
22 per capita basis.

23 (c) \_\_\_\_ dollars (\$\_\_\_\_) shall be available for grants for the  
24 restoration, preservation, and protection of regional parks and  
25 parklands, including state parks whose operation and management  
26 have been taken over by local or regional agencies, and other parks  
27 operated through cooperative agreements or pursuant to joint power  
28 authorities that include state and local agencies.

29 (d) \_\_\_\_ dollars (\$\_\_\_\_) shall be available for restoration and  
30 preservation of existing state park facilities and units to preserve  
31 public access and to protect natural resources.

32  
33 Article 5. Rivers, Lakes, and Streams  
34

35 5883. The sum of \_\_\_\_ dollars (\$\_\_\_\_) from the fund shall be  
36 available for the protection of rivers, lakes, streams, and their  
37 watersheds in accordance with the following schedule:

38 (a) Not less than \_\_\_\_ dollars (\$\_\_\_\_) shall be available to match  
39 federal and local funds for the protection and restoration of the  
40 Los Angeles River parkway.

(b) Up to \_\_\_\_ dollars (\$\_\_\_\_) shall be available to the Natural Resources Agency for the River Parkway Program.

(c) Up to \_\_\_\_ dollars (\$\_\_\_\_) shall be available to fund statewide priorities to protect water quality, fish and wildlife, and other resources.

(d) \_\_\_\_ dollars (\$\_\_\_\_) shall be available to the Department of Conservation for the protection and restoration of watersheds.

(e) \_\_\_\_ dollars (\$\_\_\_\_) shall be available to the Department of Water Resources for establishment or enhancement of flood corridors to provide multiple public benefits.

#### Article 6. Coast and Ocean Protection

5884. The sum of \_\_\_\_ dollars (\$\_\_\_\_) from the fund shall be available for the protection of beaches, bays, coastal, and ocean resources in accordance with the following schedule:

(a) \_\_\_\_ dollars (\$\_\_\_\_) shall be available to the State Coastal Conservancy pursuant to Division 21 (commencing with Section 31000).

(b) \_\_\_\_ dollars (\$\_\_\_\_) shall be available to the Ocean Protection Council pursuant to Division 26.5 (commencing with Section 35500).

(c) \_\_\_\_ dollars (\$\_\_\_\_) shall be available for matching local and federal funds for the restoration of wetlands in the San Francisco Bay.

#### Article 7. Forests and Working Lands

5885. The sum of \_\_\_\_ dollars (\$\_\_\_\_) from the fund shall be available for the protection of forests, working lands, and wildlife in accordance with the following schedule:

(a) \_\_\_\_ dollars (\$\_\_\_\_) shall be available to the Sierra Nevada Conservancy for projects pursuant to Division 23.3 (commencing with Section 33300).

(b) \_\_\_\_ dollars (\$\_\_\_\_) shall be available to the board for protection of forests, rangelands, and for wildlife protection pursuant to Chapter 4 (commencing with Section 1300) of Division 2 of the Fish and Game Code.

1 (c) \_\_\_\_ dollars (\$\_\_\_\_) shall be available to the Department  
2 of Conservation for protection of working lands including for the  
3 purposes of the *California* Farmland Conservancy Program.

4  
5 Article 8. Regional Conservation Priorities  
6

7 5886. \_\_\_\_ dollars (\$\_\_\_\_) from the fund shall be available  
8 for protection, preservation, and restoration projects by state  
9 conservancies in accordance with their operating statutes to address  
10 regional conservation priorities throughout the state.

11  
12 Article 9. Youth Employment in Conservation  
13

14 5887. \_\_\_\_ dollars (\$\_\_\_\_) from the fund shall be available to  
15 the California Conservation Corps, local conservation corps, and  
16 for grants to other organizations that provide youth employment  
17 opportunities in conservation for projects that protect and restore  
18 natural resources, improve access to parks, and provide  
19 employment and training opportunities to youth in disadvantaged  
20 communities.

21  
22 Article 10. Urban Forestry and Sustainable Communities  
23

24 5888. \_\_\_\_ dollars (\$\_\_\_\_) from the fund shall be available  
25 for urban forestry, urban greening, and greenprint projects to  
26 support sustainable communities strategies.

27  
28 Article 11. Fiscal Provisions  
29

30 5889. (a) Bonds in the total amount of \_\_\_\_ dollars (\$\_\_\_\_),  
31 or so much thereof as is necessary, not including the amount of  
32 any refunding bonds issued in accordance with Section 5895 may  
33 be issued and sold to provide a fund to be used for carrying out  
34 the purposes expressed in this chapter and to reimburse the General  
35 Obligation Bond Expense Revolving Fund pursuant to Section  
36 16724.5 of the Government Code. The bonds, when sold, shall be  
37 and constitute a valid and binding obligation of the State of  
38 California, and the full faith and credit of the State of California  
39 is hereby pledged for the punctual payment of both principal of,

1 and interest on, the bonds as the principal and interest become due  
2 and payable.

3 (b) The Treasurer shall sell the bonds authorized by the  
4 committee pursuant to this section. The bonds shall be sold upon  
5 the terms and conditions specified in a resolution to be adopted  
6 by the committee pursuant to Section 16731 of the Government  
7 Code.

8 5889.5. The bonds authorized by this chapter shall be prepared,  
9 executed, issued, sold, paid, and redeemed as provided in the State  
10 General Obligation Bond Law (Chapter 4 (commencing with  
11 Section 16720) of Part 3 of Division 4 of Title 2 of the Government  
12 Code), and all of the provisions of that law apply to the bonds and  
13 to this chapter and are hereby incorporated in this chapter as though  
14 set forth in full in this chapter, except subdivisions (a) and (b) of  
15 Section 16727 of the Government Code.

16 5890. (a) Solely for the purpose of authorizing the issuance  
17 and sale pursuant to the State General Obligation Bond Law  
18 (Chapter 4 (commencing with Section 16720) of Part 3 of Division  
19 4 of Title 2 of the Government Code) of the bonds authorized by  
20 this chapter, the Safe Neighborhood Parks, Rivers, and Coastal  
21 Protection Finance Committee is hereby created. For purposes of  
22 this chapter, the Safe Neighborhood Parks, Rivers, and Coastal  
23 Protection Finance Committee is “the committee” as that term is  
24 used in the State General Obligation Bond Law.

25 (b) The committee consists of the \_\_\_\_, \_\_\_\_, \_\_\_\_, \_\_\_\_, and  
26 \_\_\_\_\_. Notwithstanding any other provision of law, any member  
27 may designate a representative to act as that member in his or her  
28 place for all purposes, as though the member were personally  
29 present.

30 (c) The \_\_\_\_ shall serve as chairperson of the committee.

31 (d) A majority of the committee may act for the committee.

32 5890.5. The committee shall determine whether or not it is  
33 necessary or desirable to issue bonds authorized pursuant to this  
34 chapter in order to carry out the actions specified in this chapter  
35 and, if so, the amount of bonds to be issued and sold. Successive  
36 issues of bonds may be authorized and sold to carry out those  
37 actions progressively, and it is not necessary that all of the bonds  
38 authorized to be issued be sold at any one time.



1     5891. For purposes of the State General Obligation Bond Law,  
2 “board,” as defined in Section 16722 of the Government Code,  
3 means the \_\_\_\_.

4     5891.5. There shall be collected each year and in the same  
5 manner and at the same time as other state revenue is collected,  
6 in addition to the ordinary revenues of the state, a sum in an amount  
7 required to pay the principal of, and interest on, the bonds each  
8 year. It is the duty of all officers charged by law with any duty in  
9 regard to the collection of the revenue to do and perform each and  
10 every act that is necessary to collect that additional sum.

11     5892. Notwithstanding Section 13340 of the Government Code,  
12 there is hereby appropriated from the General Fund in the State  
13 Treasury, for the purposes of this chapter, an amount that will  
14 equal the total of the following:

15     (a) The sum annually necessary to pay the principal of, and  
16 interest on, bonds issued and sold pursuant to this chapter, as the  
17 principal and interest become due and payable.

18     (b) The sum that is necessary to carry out the provisions of  
19 Section 5893.5, appropriated without regard to fiscal years.

20     5892.5. The board may request the Pooled Money Investment  
21 Board to make a loan from the Pooled Money Investment Account  
22 in accordance with Section 16312 of the Government Code for the  
23 purpose of carrying out this chapter less any amount withdrawn  
24 pursuant to Section 5893.5. The amount of the request shall not  
25 exceed the amount of the unsold bonds that the committee has, by  
26 resolution, authorized to be sold for the purpose of carrying out  
27 this chapter. The board shall execute those documents required by  
28 the Pooled Money Investment Board to obtain and repay the loan.  
29 Any amounts loaned shall be deposited in the fund to be allocated  
30 in accordance with this chapter.

31     5893. Notwithstanding any other provision of this chapter, or  
32 of the State General Obligation Bond Law, if the Treasurer sells  
33 bonds that include a bond counsel opinion to the effect that the  
34 interest on the bonds is excluded from gross income for federal  
35 tax purposes under designated conditions or is otherwise entitled  
36 to any federal tax advantage, the Treasurer may maintain separate  
37 accounts for the bond proceeds invested and for the investment  
38 earnings on those proceeds, and may use or direct the use of those  
39 proceeds or earnings to pay any rebate, penalty, or other payment  
40 required under federal law or take any other action with respect

1 to the investment and use of those bond proceeds, as may be  
2 required or desirable under federal law in order to maintain the  
3 tax-exempt status of those bonds and to obtain any other advantage  
4 under federal law on behalf of the funds of this state.

5 5893.5. For the purposes of carrying out this chapter, the  
6 Director of Finance may authorize the withdrawal from the General  
7 Fund of an amount or amounts not to exceed the amount of the  
8 unsold bonds that have been authorized by the committee to be  
9 sold for the purpose of carrying out this chapter less any amount  
10 borrowed pursuant to Section 5892.5. Any amounts withdrawn  
11 shall be deposited in the fund. Any money made available under  
12 this section shall be returned to the General Fund, with interest at  
13 the rate earned by the money in the Pooled Money Investment  
14 Account, from proceeds received from the sale of bonds for the  
15 purpose of carrying out this chapter.

16 5894. All money deposited in the fund that is derived from  
17 premium and accrued interest on bonds sold pursuant to this chapter  
18 shall be reserved in the fund and shall be available for transfer to  
19 the General Fund as a credit to expenditures for bond interest,  
20 except that amounts derived from premium may be reserved and  
21 used to pay the cost of bond issuance prior to any transfer to the  
22 General Fund.

23 5894.5. Pursuant to Chapter 4 (commencing with Section  
24 16720) of Part 3 of Division 4 of Title 2 of the Government Code,  
25 the cost of bond issuance shall be paid out of the bond proceeds,  
26 including premium, if any. To the extent the cost of bond issuance  
27 is not paid from premiums received from the sale of bonds, these  
28 costs shall be shared proportionately by each program funded  
29 through this chapter by the applicable bond sale.

30 5895. The bonds issued and sold pursuant to this chapter may  
31 be refunded in accordance with Article 6 (commencing with  
32 Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of  
33 the Government Code, which is a part of the State General  
34 Obligation Bond Law. Approval by the voters of the state for the  
35 issuance of the bonds under this chapter shall include approval of  
36 the issuance of any bonds issued to refund any bonds originally  
37 issued under this chapter or any previously issued refunding bonds.

38 5895.5. The proceeds from the sale of bonds authorized by this  
39 chapter are not “proceeds of taxes” as that term is used in Article  
40 XIII B of the California Constitution, and the disbursement of

1 these proceeds is not subject to the limitations imposed by that  
2 article.

3 SEC. 3. Section 2 of this act shall take effect upon the approval  
4 by the voters of the Safe Neighborhood Parks, Rivers, and Coastal  
5 Protection Bond Act of 2014, as set forth in that section. *Section*  
6 *2 of this act shall be submitted to the voters at the November 4,*  
7 *2014, statewide general election in accordance with provisions of*  
8 *the Government Code and the Elections Code governing the*  
9 *submission of a statewide measure to the voters.*

10 SEC. 4. *This act is an urgency statute necessary for the*  
11 *immediate preservation of the public peace, health, or safety within*  
12 *the meaning of Article IV of the Constitution and shall go into*  
13 *immediate effect. The facts constituting the necessity are:*

14 *To ensure greater access to parks and open space which provide*  
15 *well-documented health benefits, it is necessary for this measure*  
16 *to take effect immediately.*